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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,933	08/21/2003	Kristopher W. Gerulski	J-3047A1	8261
28165	7590	05/17/2005	EXAMINER	
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,933

Applicant(s)

GERULSKI ET AL.

Examiner

Bryon P. Gehman

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roccaforte et al. (4,298,123) in view of Roccaforte et al. (5,141,108). Roccaforte et al. ('123) disclose folding a blank into a tube (Figures 3 and 4), inserting a roll of wound film (as shown), folding false walls (16, 20) into the tube and folding a flap (24) against each of the false walls, the false walls including wedge-shaped braces (22) angled toward the ends of the tube. Roccaforte et al. ('108) disclose a method of assembling a wound film dispenser, including folding a blank into a tube (Figure 2) and inserting a roll of wound film (column 4, lines 52-66). To modify the method of assembling of Roccaforte et al. ('123) by inserting the roll through the open end of the tube in Figure 3 would have been obvious in view of Roccaforte et al. ('108), as such was a known method of inserting a roll in a tube as taught by Roccaforte et al. ('108).

As to claim 20, plural flaps (24, 24) are disclosed and folded in Roccaforte et al. ('123).

As to claim 21, each brace (22) of Roccaforte et al. ('123) is folded relative to one of the false walls.

As to claims 22 and 23, each wedge-shaped brace (22) of Roccaforte et al. ('123) is folded relative to a back edge (at 32) and a top edge of the false wall (20).

As to claims 24 and 25, Roccaforte et al. ('123) disclose a tear strip (70) is adhered to the front surface of the tube and attached along a score line (at 76) and adhered by adhesive. To limit the amount of adhesive to certain areas would have been an obvious matter of degree in order to save adhesive, as complete adhesive sealing would not be necessary.

3. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurh (4,998,656) in view of Roccaforte et al. ('108). Hurh discloses folding a blank into a tube (Figures 3 through 7), inserting a roll of wound film (64), folding false walls (26c, 26c) into the tube and folding a flap (17) against each of the false walls, the false walls including wedge-shaped braces (26b) angled toward the ends of the tube. Roccaforte et al. ('108) disclose a method of assembling a wound film dispenser, including folding a blank into a tube (Figure 2) and inserting a roll of wound film (column 4, lines 52-66). To modify the method of assembling of Hurh by inserting the roll through an open end of the tube would have been obvious in view of Roccaforte et al. ('108), as such was a known method of inserting a roll in a tube as taught by Roccaforte et al. ('108).

As to claim 20, plural flaps (17, 36) are disclosed and folded in Hurh.

As to claim 21, each brace (26b) of Hurh is folded relative to one of the false walls.

As to claims 22 and 23, each wedge-shaped brace (26b) of Hurh is folded relative to a back edge and a top edge of the false wall (26c).

As to claims 24 and 25, Hurh discloses a tear strip (37) is adhered to the front surface of the tube and attached along a score line (at 19) and adhered by adhesive. To limit the amount of adhesive to certain areas would have been an obvious matter of degree in order to save adhesive, as complete adhesive sealing would not be necessary.

4. Applicant's arguments with respect to claims 19-25 have been considered but are moot in view of the new ground(s) of rejection. Shiffler et al. is removed as a reference in view of applicant's arguments as to its copending status. New grounds showing the inserting step have been made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG